

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRAYAN RODRIGUEZ,

Plaintiff,

v.

KIRSTJEN NIELSEN, et al.,

Defendants.

Case No. [18-cv-04187-MEJ](#)

**ORDER TO SHOW CAUSE**

Petitioner, who is in custody, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court has reviewed the petition and concludes that it warrants a response.

Accordingly, IT IS HEREBY ORDERED as follows:

- (1) The Clerk of Court shall serve a copy of the Petition and this Order upon Respondent(s) and the Attorney General of the United States. *See* 28 U.S.C. § 2241, Rule 4.
- (2) Respondent(s) shall then file and serve an answer in accordance with 28 U.S.C. § 2241, Rule 5 and Habeas Corpus Local Rule 2241-6. Respondent(s) shall file with the answer and serve on Petitioner a copy of all portions of the underlying state criminal record that were previously transcribed and are relevant to the issues presented by the petition.
- (3) Petitioner may serve and file a traverse responding to matters raised in the answer in accordance with 28 U.S.C. § 2241, Rule 5 and Habeas Corpus Local Rule 2241-6.
- (4) Respondent(s) may file a motion to dismiss on procedural grounds in lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2241 Cases. If such a motion is filed, Petitioner shall file with the Court and serve on Respondent(s) an opposition or statement of non-opposition within 28 days of the date the motion is filed, and Respondent(s) shall file with the Court and serve on Petitioner a reply

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within 14 days of the date any opposition is filed.

**IT IS SO ORDERED.**

Dated: July 23, 2018



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MARIA-ELENA JAMES  
United States Magistrate Judge